

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

<p>In re:</p> <p>Barbara J. Parker, Debtor.</p> <p>Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Premium Mortgage Acquisition Trust,</p> <p>Movant,</p> <p>v.</p> <p>Barbara J. Parker, Debtor/Respondent,</p> <p>ANTHONY PARKER, Co-debtor/Respondent,</p> <p>KENNETH E. WEST, Esquire, Trustee/Respondent.</p>	<p>Bankruptcy No. 22-13138-mdc</p> <p>Chapter 13</p> <p>Hearing Date: June 20, 2023 Hearing Time: 10:30 am Location: Courtroom #2</p>
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MOTION OF WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PREMIUM MORTGAGE ACQUISITION TRUST FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PREMIUM MORTGAGE ACQUISITION TRUST TO FORECLOSE ON 3159 BELGREEN RD, PHILADELPHIA, PENNSYLVANIA 19154

Secured Creditor, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Premium Mortgage Acquisition Trust, by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d) and 11 U.S.C. § 1301, for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor(s), Barbara J. Parker, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on November 23, 2022.

2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On August 7, 2006, ANTHONY PARKER executed and delivered a Promissory Note (“Note”) and ANTHONY PARKER and BARBARA J. PARKER executed and delivered a Mortgage (“Mortgage”) securing payment of the Note in the amount of \$177,600.00 to ABN AMRO MORTGAGE GROUP, INC., A DELAWARE CORPORATION. A true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded on September 14, 2006 in Document ID 51529587 of the Public Records of Philadelphia County, Pennsylvania. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at 3159 BELGREEN RD, PHILADELPHIA, PENNSYLVANIA 19154, (“the Property”).
6. A Loan Modification agreement was entered into on July 7, 2016, creating a new principal balance of \$208,270.79. A true and correct copy of the Agreement is attached hereto as Exhibit “C.”
7. The loan was lastly assigned to Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Premium Mortgage Acquisition Trust and same was recorded with the Philadelphia County Recorder of Deeds on January 21, 2016, as Document ID 53014383. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “D.”
8. Based upon the Debtor(s)’ Chapter 13 Plan (Docket No. 14), the Debtor intends to cure Secured Creditor’s pre-petition arrearages and is responsible for maintaining post-petition

payments directly to Secured Creditor. A true and correct copy of the Chapter 13 Plan is attached hereto as Exhibit "E."

9. Co-Debtor(s), ANTHONY PARKER, are liable on and/or has secured the aforementioned debt with the Debtor(s).
10. Upon review of internal records, Debtor has failed to make the monthly post-petition payments of principal, interest, and escrow to Secured Creditor in the amount of \$1,553.71 which came due on February 1, 2023, March 1, 2023, April 1, 2023, and May 1, 2023, respectively.
11. Thus, Debtor(s)' post-petition arrearage totaled the sum of \$4,662.26 with the suspense balance of \$1,552.58 through May 4, 2023.
12. Upon review of internal records, the current unpaid principal balance due under the loan documents is approximately \$201,669.37. Movant's total claim amount, itemized below, is approximately \$252,050.42. See Exhibit "F."

Principal	\$201,669.37
Interest (From 12/01/20 To 05/04/23)	\$29,047.12
Escrow/Impound Required	\$6,841.30
Late Charges Due	\$805.58
Fees Currently Assessed	\$14,970.34
Less Unapplied Funds	(\$1,283.29)
Payoff Funds Required	\$252,050.42

13. According to the Debtor(s) schedules, the value of the property is \$279,200.00. A true and accurate copy of the Debtor(s)' Schedule A/B is attached hereto as Exhibit "G."
14. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay and Co-Debtor stay for "cause" which includes a lack of adequate protection of an interest in property. Sufficient "cause" for relief from the stay under Section 362(d)(1) and Co-Debtor stay pursuant to 11 U.S.C. § 1301 is established where a debtor has failed

to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.

15. As set forth herein, Debtor has defaulted on the secured obligation having failed to make all monthly post-petition installment payments due to Secured Creditor.

16. As a result, cause exists pursuant to 11 U.S.C. § 362(d) and 11 U.S.C. § 1301 of the Code for this Honorable Court to grant relief from the automatic stay to allow Secured Creditor, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action.

17. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to insure, preserve, or protect the collateral; therefore, Secured Creditor requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) and 11 U.S.C. § 1301 to permit Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Premium Mortgage Acquisition Trust to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Date: June 2, 2023

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